

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2004**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Zoning Ordinance Amendment – Flexible Space Development**

RECOMMENDATION: Approval of the requested Zoning Ordinance Amendments.

SUMMARY: The City has received numerous requests from companies, real estate professionals, and the City's Office of Economic Development for zoning language that would permit office / showroom facilities, "flex tech" projects and other mixed use projects in the City's industrial districts. There is no provision in the current Zoning Ordinance to allow developments of this type. The Planning Commission recommended approval of the Zoning Ordinance Amendment because:

- The petition agrees with the *Comprehensive Plan* which recommends updating the City's Zoning Ordinance, allowing a mix of uses in industrial areas and maximizing citywide economic development strategies.

PRIOR ACTION(S):

July 14, 2004: Planning Division recommended approval of the Zoning Ordinance Amendments. Planning Commission held public hearing on the proposed Zoning Ordinance Amendments.

July 28, 2004 Planning Commission held a work session on the proposed Zoning Ordinance Amendments.

August 25, 2004 Planning Commission recommended approval (5-0, with 2 members absent) of the Zoning Ordinance Amendments.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- PC Report
- PC minutes
- Flexible Space Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 35.1-38, 35.1-39 AND 35.1-40 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AND TO AMEND THE CODE OF THE CITY OF LYNCHBURG BY ADDING THERETO NEW SECTIONS NUMBERED 35.1-43.14 THROUGH 35.1-43.21, THE AMENDED AND THE NEW SECTIONS RELATING TO THE ESTABLISHMENT OF FLEXIBLE SPACE DEVELOPMENTS WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 35.1-38, 35.1-39 and 35.1-40 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 35.1-38. General business district (B-5).

(a) Intent. This district is to provide for a variety of commercial and similar uses which require large sites and which often produce substantial nuisance effects. The location of these districts should provide for a high level of access, relatively large amounts of level land, and opportunities to shield adjacent residential districts from nuisance effects.

(b) Special regulations. The following special regulations shall apply in general business districts:

(1) Direct access shall be available to at least one (1) arterial street.

(2) Driveways shall be kept to a minimum and shall meet the requirements of the "Standard Entrance Policy" of the City of Lynchburg.

(3) Buffers shall be provided along boundaries of this district adjacent to any residential district.

(c) Prohibited uses.

(1) Within any business B-5 district, as indicated on the official zoning map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for other than one (1) or more of the following specified purposes; provided that no operations shall be carried on which create conditions of smoke, fumes, noise, odor, light or dust detrimental to health, safety or the general welfare of the community.

(d) Uses permitted by right. The following uses shall be permitted by right in the general business district subject to the regulation of Section 35.1-14 to the zoning ordinance:

(1) Uses permitted by right in the B-3 district except one (1) and two (2) family dwellings.

(2) The following additional uses:

Auction rooms

Armories

Automobile and truck rental

Automobile, truck and trailer sales with outside sales and storage permitted Automobile service stations

Automobile and truck tire sales

Rebuilding and retreading establishments

Battery sales

Bottling plants

Billboards, subject to the regulations of Section 35.1-26.1

Blacksmith shops

Bookbinding

Building material sales
 Carpentry shops
 Coffee and peanut roasting
 Commercial amusements, including swimming pools, golf courses and driving ranges, and skating rinks, but not including circuses, carnivals, and race tracks
 Contractors' establishments
 Dairies, pasteurizing plants, or ice cream manufacture
 Dance halls
 Depositories for the storage of office records, microfilm or computer tapes
 Diaper services
 Drive-in theaters
 Dry cleaning and dyeing plants
 Exterminators
 Furniture upholstery and repair shops
 Custom furniture manufacturing
 Commercial greenhouses
 Hiring halls and other places of assembly for the registration or assignment of employment
 Automobile painting and body repair shops
 Laundries
 Sales lots for construction and farm equipment and similar machinery
 Ice manufacture
 Commercial kennels for dogs and other pets
 Wholesale or produce markets
 Monument and gravestone sales
 Motion-picture production studios
 Newspaper offices
 Photographic developing and printing establishments
 Printing plants
 Second-hand stores including auction sales provided such activity is conducted wholly within an enclosed building
 Small sign shops
 Storage warehouses and yards, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards or the storage of combustibles prohibited by the fire code
 Travel trailer sales and rentals
 Window blinds, shades and awnings (manufacture)
 Leather products (not to include tanning)
 Other uses determined by the city council to be of similar character to and compatible with the above uses.
 (e) Permitted accessory uses. The following uses are permitted as accessory to principal uses permitted in general business districts:

(1) Accessory uses permitted in B-3 districts.

(2) Other uses determined by the planning commission to be customarily accessory to uses permitted in this district.

(3) Exterior signs pertaining to the uses conducted on the premises, as regulated in the B-4 district, except that projecting signs otherwise complying with this ordinance will be permitted.

(f) Uses permitted by conditional use permit. The following uses shall be permitted in general business districts as conditional use under the regulations of Section 35.1-15 and Article X of the zoning ordinance:

(1) Temporary fairs, amusement parks and circuses.

(2) Arenas, auditoriums or stadiums unlimited in capacity.

(3) Moving and storage establishments.

(4) Transient trailer parks.

(5) Radio towers and transmitting stations.

- (6) One (1) and two (2) family dwellings.
- (7) Motor freight stations.
- (8) Trucking terminals.
- (9) Commercial swimming pools.
- (10) Schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students.
- (11) Flexible space developments as provided in Section 35.1-43.14.

(g) Standards for B-5 business districts.

| | |
|--|---------------|
| (1) General standards | <u>B-5</u> |
| Minimum average lot area per establishment (square feet) | None required |
| Minimum lot depth (feet) | 0 |

(2) Yards. When a lot in any business B-5 district is used, in whole or in part, for residential purposes, the yard requirements shall be the same as those in a residential R-5 district.

a. Front yards.

1. Where all of the lots contained within a block are located in a business B-5 district, no front yard will be required.

2. Where the lots contained within a block are partly in this district and partly in another district in which a greater front yard is required, the front yard requirements of the latter district shall apply to the entire street frontage in both districts, or twenty (20) feet, whichever distance is the greater.

b. Side yards. No side yard shall be required except where a business B-5 district abuts a residential district, in which case the yard required on the abutting side shall be the same as that required in the residential district.

c. Rear yards. The requirement for rear yards is the same as that for business B-2 districts, Section 35.1-35.

(3) Height regulations. The height regulations shall be the same as those required for a business B-4 district, Section 35.1-37.

(4) Area regulations. The area requirements shall be the same as those required for a business B-2 district, Section 35.1-35.

(h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(i) Parking requirements. Off-street parking and loading space shall be provided; however, the requirements of off-street parking of said section shall not apply in connection with buildings located in the first fire district as described in the city code.

Sec. 35.1-39. Restricted industrial districts (I-1).

(a) Intent. Restricted industrial districts are intended to provide for industrial plants developed at moderate to low densities and with high standards of building and site design. These districts can be mapped in close proximity to residential areas and are particularly appropriate along regional highways, where they can serve to improve the attractiveness and amenity of these highways to the benefit of the traveler, the community and the individual plant owner.

(1) In any industrial I district, as indicated on the official zoning map, no lot, building or structure shall be used, and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any use which is in conflict with any ordinance of the City of Lynchburg now existing or hereafter enacted. No use shall be allowed unless listed below as a use permitted by right, as a permitted accessory use or as a use

permitted by conditional use permit, provided, however, that any such permitted use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this chapter. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this chapter.

(b) Special regulations. The following special regulations shall apply in restricted industrial districts (I-1) :

(1) Required setbacks and other open areas not needed for operations shall be landscaped and such landscaping shall be maintained at all times.

(2) No use shall be permitted which produces noise, unshielded light, smell, dust or any other airborne nuisance which is perceptible beyond the property line of each zoning lot.

(3) All manufacturing, processing, testing, storage and similar operations shall be contained completely within buildings or structures.

(4) All building or structure sides which face a public street shall be of at least seventy (70) percent nonmetallic materials.

(5) Refuse collection areas and bulk loading operations, including a loading and unloading berth, shall be screened from view from all public streets or common boundaries with residential districts. These facilities shall be screened using construction materials or earth berms, but not landscaping. On those building sides which face a public street the screening materials shall be at least seventy (70) percent nonmetallic and shall match the materials used on those building sides. This regulation shall not apply to parking or recreation facilities, except that such facilities shall be screened from any adjacent residential development.

(c) Prohibited uses. The following uses are specifically prohibited in restricted industrial districts:

- (1) Fuel storage yards.
- (2) Contractors storage yards.
- (3) Lumber yards.
- (4) Sawmills.
- (5) Stonework.

(d) Uses permitted by right. The following uses shall be permitted by right in restricted industrial districts subject to the regulations of Section 35.1-14 of this ordinance:

- (1) Dwellings and agricultural uses existing at the time the land is zoned in this district.
- (2) Air conditioning, refrigerated equipment (manufacturing).
- (3) Apparel and accessories, hosiery and lingerie (manufacturing).
- (4) Automatic temperature controls (manufacturing).
- (5) Blankbooks, looseleaf binders and devices (manufacturing).
- (6) Blueprinting and photostating establishments.
- (7) Books, publishing and printing.
- (8) Business machines, typewriters, adding machines, calculators, card punching or counting equipment (manufacturing).
- (9) Camera and photographic equipment (manufacturing).
- (10) Canvas products (manufacturing).
- (11) Communication equipment (manufacturing).
- (12) Computer centers.
- (13) Computer (manufacturing).
- (14) Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious metals) (manufacturing).
- (15) Cosmetics and toiletries (manufacturing).
- (16) Curtains and draperies (manufacturing).
- (17) Cutlery, hand tools and general hardware (manufacturing).

- (18) Data processing service.
- (19) Dental equipment and supplies (manufacturing).
- (20) Dental laboratory services.
- (21) Depositories for the storage of office records, microfilm or computer tapes.
- (22) Electrical appliance, components and instrument (manufacturing).
- (23) Electrical transmission and distribution equipment (manufacturing).
- (24) Electrical lighting and wiring equipment (manufacturing).
- (25) Electrical testing laboratories.
- (26) Engineering, laboratory and scientific and research instruments, equipment (manufacturing).
- (27) Envelope (manufacturing).
- (28) Government buildings used exclusively by the city, state or federal government for public service.
- (29) Greeting card (manufacturing).
- (30) Hats, caps and millinery (manufacturing)
- (31) Jewelry, silverware and flatware (manufacturing).
- (32) Lace goods (manufacturing).
- (33) Lithographing.
- (34) Medical equipment (manufacturing).
- (35) Medical instruments (manufacturing).
- (36) Musical instruments and parts (manufacturing).
- (37) Newspapers, publishing and printing.
- (38) Office, general, directly related to industrial activities.
- (39) Office building (with a minimum of twelve thousand (12,000) square feet of gross floor area.)
- (40) Office, computing and accounting machines (manufacturing).
- (41) Ophthalmic goods (manufacturing).
- (42) Optical instruments and lenses (manufacturing).
- (43) Orthopedic, prosthetic and surgical supplies (manufacturing).
- (44) Pharmaceutical (manufacturing).
- (45) Photoengraving.
- (46) Photographic equipment and supplies (manufacturing).
- (47) Printing and publishing.
- (48) Professional, scientific and controlling instruments; photographic and optical goods, watches and clocks, clockwork operated devices and parts (manufacturing).
- (49) Radio and television sets (manufacturing).
- (50) Research, development and testing laboratories.
- (51) Signs and advertising displays (manufacturing).
- (52) Silverware and plated ware (manufacturing).
- (53) Sporting goods (manufacturing).
- (54) Telecommunications towers and facilities (see Article XI. Telecommunications towers and facilities).
- (55) Telephone exchanges.
- (56) Toys and games (manufacturing).
- (57) Umbrellas, parasols and canes (manufacturing).
- (58) Flexible space developments as provided in Section 35.1-43.14.
- ~~(58)~~ (59) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(e) Permitted accessory uses. The following uses shall be permitted as accessories to principal uses in the restricted industrial districts:

- (1) Residential quarters for bona fide caretakers or watchmen and their families.
- (2) Food service facilities expressly designed for the use of an establishment or group of establishments located in the district.
- (3) Recreational facilities for employees of establishments in the district.

(4) Care centers for employer-sponsored child day care when located on the same property as the primary industrial use.

(5) Retail stores, not including warehouse sales, planned and built as part of manufacturing or processing operation, dealing in the products produced in such operations, intended primarily for the exhibition and promotion of those products as well as their sale.

(6) Warehouses and storage facilities, except as prohibited in Subsection 35.1-39(c) above; manufacturing uses, except as prohibited in Subsection 35.1-39(c) above, meeting other regulations of this section; wholesale establishments.

(f) Uses permitted by conditional use permit. The following uses shall be permitted as conditional use permit in restricted industrial districts under the regulations of Section 35.1-15 and Article X of this ordinance:

(1) Heliports, helistops and STOL-ports; provided, that such facilities meet all applicable federal, state and local regulations and are located at least one-half (1/2) mile from any residential district.

(2) Motels and hotels.

(3) Restaurants (serving wholly within an enclosed building, with only incidental carry-out service.)

(4) Public and community recreation facilities.

(5) Arenas, auditoriums or stadiums.

(g) Standards.

(1) Height regulations. The height regulations shall be the same as those required for a business B-4 district, Section 35.1-37.

(2) Yards. The yard requirements shall be the same as those of a business B-5 district, Section 35.1-38.

(3) Area regulations. No tract of land less than two (2) acres shall be placed in this zoning category; however, tracts already zoned "I-1" may be extended in increments of any size.

(h) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(i) Parking requirements.

Off-street parking and loading as required and regulated by Section 35.1-25 of this ordinance.

Sec. 35.1-40. Light industrial districts (I-2).

(a) Intent. This district is intended to provide for industrial uses of a variety of types which produce relatively low levels of smoke, smell, noise light, dust and other nuisances. These areas would contain many of the same types of activity as the restricted industrial districts, but lower development standards would be permitted. In general, operations are appropriate in this district which: (1) do not involve nuisances discernible at the lot line; and (2) do not deal with large volumes of customers on a continuous basis throughout the day. No use shall be allowed in this district unless listed below as a use permitted by right, as a permitted accessory use or as a use permitted by conditional use permit, provided, however, that any such permitted use existing prior to December 13, 1988, may be enlarged or expanded, but not relocated, so long as it meets all other applicable requirements of this chapter. Any such use shall not be subject to any of the limitations or other regulations prescribed for non-conforming uses elsewhere provided in this chapter.

(b) Uses permitted by right. The following uses shall be permitted in light industrial districts subject to the regulations of Section 35.1-14.

(1) Uses permitted by right in restricted industrial districts (I-1) (except for an office building which is not directly related to an industrial activity).

(2) Adhesive products (manufacturing).

(3) Armories.

(4) Artisans and craft work.

(5) Automobile and truck parts manufacturing.

(6) Automobile parking garage, repair shop or parking lot subject to approval by the city council as provided by other ordinances of the city.

(7) Bakery goods (manufacturing).

(8) Battery (manufacturing).

(9) Blueprinting and photostating establishments.

(10) Billboards subject to the regulations of Section 35.1-26.1.

(11) Bottling and beverage works.

(12) Bookbinding.

(13) Box (manufacturing).

(14) Broom and brush (manufacturing).

(15) Bus and other transit stations.

(16) Cameras and other photographic equipment (manufacturing).

(17) Candy (manufacturing).

(18) Carpentry and cabinet making shops.

(19) Catering establishments.

(20) Ceramic products (manufacturing).

(21) Chemical apparatus (manufacturing).

(22) Coffee and peanut roasting.

(23) Commercial greenhouses.

(24) Communications systems service (manufacturing and wholesale).

(25) Computer centers.

(26) Confection (manufacturing).

(27) Cosmetics (manufacturing).

(28) Data processing service.

(29) Dairies and/or pasteurizing plants.

(30) Depositories for the storage of office records, microfilm or computer tapes.

(31) Die casting.

(32) Distribution center.

(33) Drugs (manufacturing).

(34) Dry cleaning establishments.

(35) Dyeing establishments.

(36) Electrical appliances (manufacturing and fabrication).

(37) Electrical equipment (manufacturing and fabrication).

(38) Electronic components and instruments (manufacturing and fabrication).

- (39) Electroplating.
- (40) Extracts, food and flavor (manufacturing).
- (41) Fence (manufacturing).
- (42) Food wholesale.
- (43) Food products (manufacturing) other than fish, sauerkraut, vinegar, or yeast, or the refining or rendering of fats or oils.
- (44) Furniture and fixtures (manufacturing).
- (45) Glass products (manufacturing).
- (46) Government buildings used exclusively by the city, county, state or federal government for public service.
- (47) Hardware and tools (manufacturing).
- (48) Ice, natural and dry manufacturing.
- (49) Ice cream (manufacturing).
- (50) Ink products (manufacturing).
- (51) Instruments, professional, scientific and controlling (manufacturing).
- (52) Insulating material (manufacturing).
- (53) Jewelry (manufacturing).
- (54) Laboratories (research and testing).
- (55) Laboratory apparatus (manufacturing).
- (56) Latex (fabrication, not including paint).
- (57) Laundry plants.
- (58) Leather products (manufacturing, not to include tanning).
- (59) Linen supply establishments.
- (60) Lithographing.
- (61) Luggage (manufacturing, not to include tanning).
- (62) Machinery and machines, household and office (manufacturing).
- (63) Machine shops.
- (64) Machine tools, light (manufacturing).
- (65) Medical equipment (manufacturing).
- (66) Metal finishing.
- (67) Metal products and machinery, medium and light (manufacturing and fabrication).
- (68) Milk and dairy products (processing and distribution).
- (69) Modular and mobile homes (manufacturing).
- (70) Monument works and statuary (production).
- (71) Motorcycles (manufacturing and fabrication).
- (72) Musical instruments (manufacturing).
- (73) Motor freight terminals.
- (74) Moving and storage establishments.
- (75) Novelty products (manufacturing).
- (76) Off-street parking garages and lots incidental to industrial activities.
- (77) Office, general, directly related to industrial activities.
- (78) Optical equipment (manufacturing).
- (79) Orthopedic and medical appliances (manufacturing).
- (80) Packaging and paper products manufacturing from previously prepared materials.
- (81) Perfumes (manufacturing).
- (82) Pharmaceuticals (manufacturing).
- (83) Plastics (fabrication).
- (84) Photoengraving.
- (85) Photography film (manufacturing and processing).
- (86) Polish (manufacturing).
- (87) Porcelain enamel products (manufacturing and fabrication).
- (88) Pottery and chinaware (manufacturing).
- (89) Printing and publishing.
- (90) Radio and television studios and stations, provided that studios produce no exterior electromagnetic effect and are soundproofed from adjoining properties.

- (91) Retail/wholesale display rooms for sales at industrial establishments of products manufactured on site and other products of the corporation provided the display area does not exceed fifteen (15) percent of the total floor area.
- (92) Rope, fibrous (manufacturing).
- (93) Rubber fabrication.
- (94) Rugs (manufacturing).
- (95) Shoe manufacturing.
- (96) Signs (manufacturing).
- (97) Silverware, plate and sterling (manufacturing and fabrication).
- (98) Spices (manufacturing and processing).
- (99) Sporting and athletic goods (manufacturing).
- (100) Starch (manufacturing).
- (101) Static transformer stations, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and noncommercial radio and television poles and appurtenances thereto.
- (102) Telephone exchanges.
- (103) Textile mills products (manufacturing and fabrication).
- (104) Tobacco products (manufacturing).
- (105) Toiletries (manufacturing).
- (106) Tool, die or pattern making shops.
- (107) Toys and games (manufacturing).
- (108) Trade expositions.
- (109) Twine, fibrous (manufacturing).
- (110) Union halls.
- (111) Warehousing and storage, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards, or the storage of combustibles prohibited by the fire code.
- (112) Wax and wax products (manufacturing).
- (113) Wearing apparel (manufacturing).
- (114) Welding and blacksmith shops.
- (115) Wholesale establishments with a building area of five thousand (5,000) square feet or more. A portion of the establishment may be used for retail display area, provided the retail sales (a) do not exceed fifteen (15) percent of the total building area, and (b) are not used for second hand (consignment) merchandise or auction centers and do not require outdoor storage such as lumber yards, wholesale warehouses for the sale of motor vehicles, farm, or heavy construction equipment.
- (116) Window blinds, shades and awnings (manufacturing).
- (117) Wire (manufacturing).
- (118) Wood products (manufacturing).
- (119) Wool processing.
- (120) Flexible Space Developments as provided in Section 35.1-43.1-14.
- ~~(120)~~ (121) Other uses determined by the city council to be of similar character to and compatible with the above uses.

(c) Permitted accessory uses. The following uses shall be permitted as accessories to permitted principal uses in light industrial districts:

- (1) Uses permitted and as regulated as accessory uses in restricted industrial districts (1-1).
- (2) Other uses determined by the city council to be customarily accessory to uses permitted in this district.

(d) Uses permitted by conditional use permit. The following uses shall be permitted as conditional use permit in light industrial districts under the regulations of Section 35.1-15 and Article X of this ordinance:

- (1) Arenas, auditoriums or stadiums.
- (2) Business incubator.
- (3) Circus, carnival or other similar transient enterprises.
- (4) Drive-in theaters.

- (5) Heliports, helistops and STOL-ports; provided, that such facilities meet all applicable federal, state and local regulations and are located at least one-half (1/2) mile from any residential district.
- (6) Public and community recreation facilities.
- (7) Radio and television transmission towers.
- (8) Sanitary or solid waste management facility, private - establishment of a new facility.

(e) Standards. See Section 35.1-39.

(f) Signs. (As provided in Sections 35.1-26 through 35.1-26.16)

(g) Parking requirements. Off-street parking and loading as required and regulated in Section 35.1-25 of this ordinance

2. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto new sections numbered 35.1-43.14 through 35.1-43.21 as follows:

Sec. 35.1-43.14. Flexible space developments.

(a) Intent. As described in the city's comprehensive plan, the demand for industrial and commercial space is changing. At this time, the demand is for concentrations of industrial, office, and technology uses where the owners of one business can interact with other complementary businesses in close proximity. By encouraging the clustering of complementary and related uses in flexible space developments, the city seeks to preserve and expand the city's employment base, concentrate infrastructure investment, and minimize potential use conflicts. While limited commercial uses may be appropriate to serve the needs of employers and employees in these developments, permitting a broad mix of commercial and/or retail uses is not recommended.

(b) Objectives. In order to carry out the intent of this section, a flexible space development shall achieve the following objectives:

(1) These developments are intended to promote the efficient use of developable lands by clustering similar and complementary land uses in close proximity to one another. A flexible space development shall resemble and function like a well-planned business park.

(2) These developments shall be consistent with the city's comprehensive plan, including the future land use map.

(3) Land uses incorporated in these developments will generate moderate levels of truck traffic and be minimal sources of noise, vibration, dust, air and water pollution, or other nuisances so as to limit impacts on neighboring areas.

(4) Circulation patterns will, to the greatest extent feasible, separate truck traffic from automobiles, bicycles, and pedestrians.

(5) Natural buffer zones are to be preserved and/or created, as needed, between flexible space developments and surrounding residential areas.

(6) Preservation of trees, outstanding natural topography, and geologic features is strongly encouraged. Soil erosion is to be prevented.

(7) Regional stormwater management practices shall be followed.

(8) Large-scale retail uses are not permitted in flexible space developments.

(9) Provision of at least one amenity to encourage business development is required. Examples include, but are not limited to, bike paths, health trails, outdoor recreation areas, sidewalks, and other amenities.

(10) Environmentally sustainable development through green building design and innovative site design is encouraged.

(11) Renovation and adaptive reuse of existing structures and/or developments through redesign, renovation, and repositioning are encouraged.

(12) Isolated residential uses remaining in areas covered by these developments shall gradually be removed or relocated.

(c) Definitions. Terms used in this section shall have the meanings given to them in Sec. 35.1-11. Terms not defined in Section 35.1-11 shall have the following meaning:

(1) Business park is a multibuilding development planned to accommodate a range of uses, from light industrial to office space, in an integrated parklike setting with supporting uses for employees and visitors. They can range from small parks on several acres to facilities of several hundred acres or more. These parks serve a range of activities and product types: warehouse/distribution; manufacturing and assembly; flex/high-tech businesses; offices; showrooms; incubator space; telco hotels; service businesses, including hotels and conference centers; and convenience retail stores.

(2) Data switch center refers to two types of industrial facility: a data warehouse and a switch center. The most important requirement of data switch centers is access to fiber optic cable. They also have heavy power requirements, need high floor loadings and system redundancy or backup. These buildings have an attractive exterior and do not generate truck traffic, so they are compatible with a large number of other land uses.

(3) Exterior roadways are public streets in the City of Lynchburg that surround, but do not cut through, a flexible space development.

(4) Flexible space is building space that, when one occupant leaves, can be reconfigured to suit another occupant. Building design, construction, utilities, loading bays/docks, and other facilities are initially constructed with a level of flexibility that will support more than one type of use.

(5) Green buildings incorporate natural systems from daylight to fresh air, providing a superior building environment for occupants and a better long-term contribution to the surrounding environment. Energy costs are reduced and air quality is improved in green buildings. Building materials and systems are designed to last longer and require less maintenance.

(6) Interior roadways are planned and constructed as part of a flexible space development and are intended primarily for use by occupants of and visitors to the development. They may be private streets.

(7) Multitenant is a type of industrial building that accommodates new, emerging, and existing small businesses by enabling these businesses to lease varying amounts of space. As an occupant's business grows and its space needs increase, the business may absorb adjacent units until it needs to relocate to a larger facility. A typical multitenant building houses a mix of light manufacturing and warehouse uses.

(8) Natural waterway means a creek, stream, run, or other annual or perennial waterway identified on United States Geologic Survey, Commonwealth of Virginia, or City of Lynchburg maps.

(9) Office showroom is a type of industrial building that houses a variety of functions, including office, warehouse, and retail showroom. These buildings are characterized by high ceilings, a low ratio of square feet to loading docks, high curb appeal, attractive landscaping, lower site coverage, and higher office buildout. They generally have more visitor traffic than any other type of industrial building.

(10) R&D Flex is a type of industrial building (also known as "flex," "R&D/flex/ showroom," "flex tech," and "service center/R&D/flex"). These buildings can accommodate technology and service occupants within a single structure. The interior space configuration is flexible, often with a relatively high proportion of office

buildout. Such a building may accommodate users that require flexibility in their square footage allocation. The exterior is designed to be very attractive; to have high curb appeal. These facilities often resemble low-scale office buildings from the exterior. Most of the space is used as either high-tech manufacturing/ laboratory or office.

(11) Telco Hotel is a building type that is a highly secure, large-floorplate box where the transmission equipment for telephone, data, and internet companies is located. They are also called “web-hosting facilities,” “data centers,” “data switch centers,” and “mission critical facilities.”

35.1-43.15. General regulations for flexible space developments.

(a) Minimum area. Generally, the minimum area required to qualify for a flexible space development shall be five (5) contiguous acres of land. Where the project proponent can demonstrate that the characteristics of a proposed project site will meet the objectives of this article, the planning commission may consider projects of less acreage.

(b) Location of flexible space developments. Flexible space developments are permitted by right in I-1, restricted industrial districts, and I-2, light industrial districts. flexible space developments are permitted in B-5, general business districts, by conditional use permit (CUP), where the project proponent can demonstrate that the characteristics of the property will meet the objectives of this section and are consistent with the city's comprehensive plan.

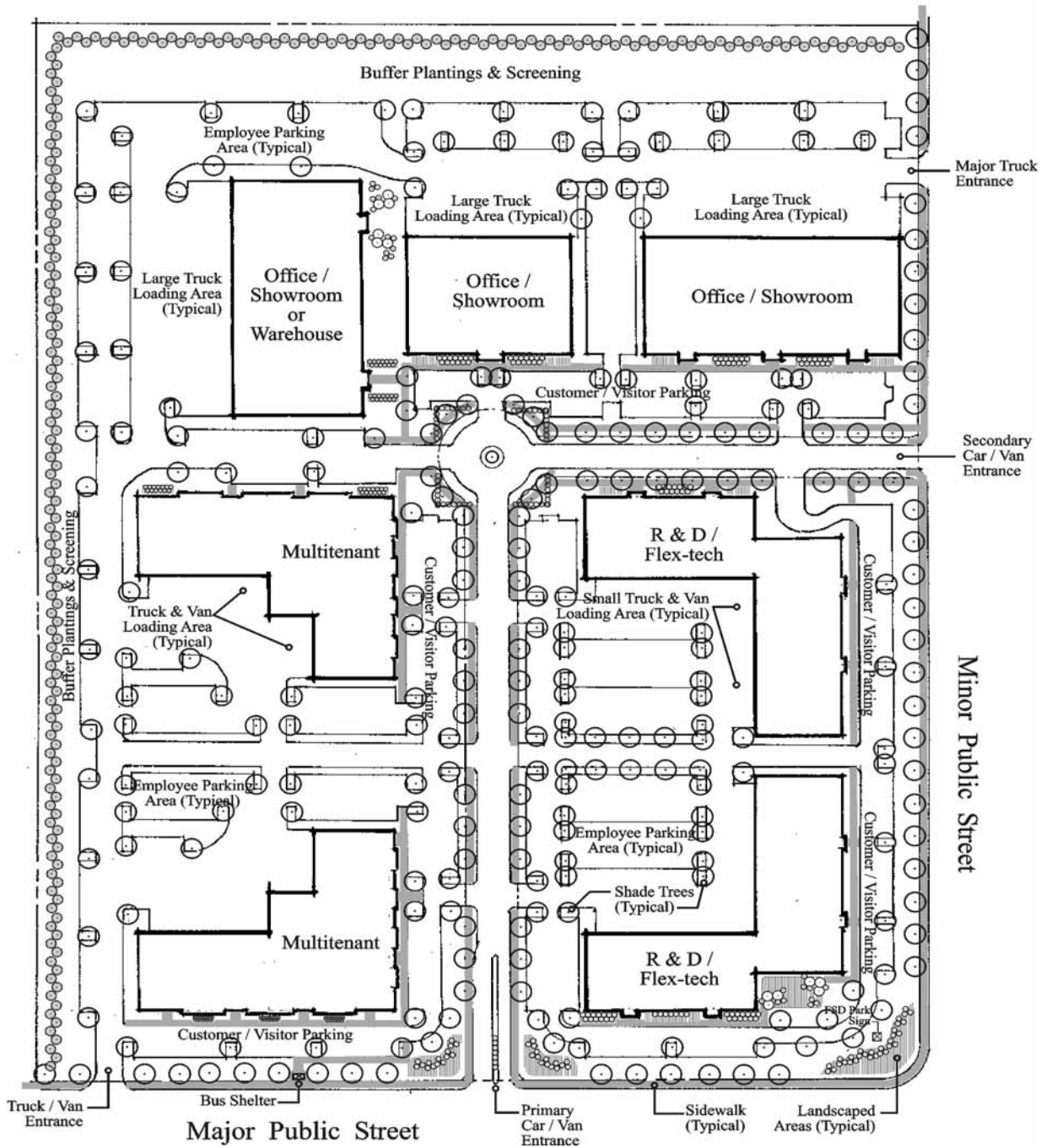
(c) Ownership. The tract of land for a flexible space development may be owned, leased, controlled, or under option by a single person or by a corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the development or by the property owner's authorized agent with the power of attorney to sign the application. In case of multiple ownership, the approved site plan shall be binding on all owners.

(d) Master plan. A master plan will be prepared and submitted for review by the planning division and the technical review committee (TRC). Once the master plan has been approved by the TRC, a preliminary site plan will be submitted to the planning division and the TRC for review and approval. This preliminary site plan may be prepared for each phase of a phased development. These site plans will be in substantial compliance with the master plan.

(e) Management and ownership of common open space and other common facilities in flexible space developments. All common open space properties and common facilities, such as recreation areas, shall be preserved for their intended purpose as expressed in the approved master plan. The developer shall provide for the establishment of a property owner's association to ensure the maintenance of all common open space properties and common facilities. The property owners association shall be established pursuant to Sec. 35.1-56(c) of the city code. Flexible space developments with one owner will not require a property owners association.

(f) Fee schedule for flexible space development review. The fees for flexible space development review and action shall be the same as those for planned unit developments as set forth in Sec. 35.1-42.2 of the city code.

(g) An illustration of a hypothetical flexible space development.



35.1-43.16. Permitted uses in flexible space developments.

All uses within a flexible space development are determined by the provisions of this section and the approved site plan of the project.

(a) Permitted uses by right include any use that meets objective (3) of Section 35.1-40.1 (b), including, but not limited to, the manufacturing, assembly, distribution, repair, and servicing of:

- (1) Apparel and accessories
- (2) Artisan and craft work
- (3) Automobile and truck parts
- (4) Building and construction materials, supplies, and equipment
- (5) Carpentry and cabinet making shops
- (6) Computers, business machines, parts, and accessories
- (7) Contractors' establishments, offices, and display rooms, but not equipment storage yards or plants, or rental equipment
- (8) Data switching and processing equipment and services
- (9) Electrical appliances, lighting, testing, transmission, and distribution equipment
- (10) Employment service or agency
- (11) Engineering, professional, research, and scientific instruments and equipment, photographic and optical goods, watches and clocks, parts and supplies
- (12) Fabric products and supplies
- (13) General hardware and hand tools
- (14) Home and office furnishings, fixtures, and equipment
- (15) Medical equipment, instruments, and supplies
- (16) Metal products and machinery, metal finishing
- (17) Musical instruments and parts
- (18) Office buildings with a minimum of 7,200 square feet each of gross floor area
- (19) Optical equipment
- (20) Packaging and paper products
- (21) Personal care products (e.g., cosmetics, toiletries)
- (22) Plastics
- (23) Printing, publishing, copying, and binding
- (24) Research, development, testing, medical, and dental laboratories
- (25) Signs and advertising displays
- (26) Sporting and athletic equipment, toys, and games
- (27) Static transformer stations, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and noncommercial radio and television poles and appurtenances thereto
- (28) Telephone exchanges

(b) Permitted accessory uses. The following uses are permitted when serving as an accessory use to one or more of the by-right uses listed in Sec. 53.1-40.3(a):

- (1) Banks, credit unions, and similar establishments
- (2) Bus and other transit stations
- (3) Convenience and service establishments, such as, but not limited to, barber shops, beauty parlors, convenience stores, drycleaning/laundry establishments, medical clinics, newsstands, and tailors. Automobile gas stations or other establishments with gas pumps are not permitted. Convenience and service establishments shall not exceed twenty (20) percent of the gross floor area of all buildings in the development
- (4) Daycare centers for employer-sponsored child day or adult day care intended to serve employees of businesses in the development
- (5) Depositories for the storage of office records, microfilm, computer tapes, or similar records
- (6) Janitorial or exterminating service
- (7) Mailing and shipping outlets intended to serve businesses and employees in the development
- (8) Motor freight terminals

- (9) Off-street parking garages and lots incidental to businesses in this development
- (10) Offices, general, directly related to primary use
- (11) Recreational facilities for employees of businesses in the development
- (12) Retail showrooms for products of the businesses in the development
- (13) Residential quarters for bona fide caretakers or watchmen and their families, when essential for the operation of the business
- (14) Restaurants and food service facilities
- (15) Security service office or station
- (16) Telecommunications towers and facilities, when collocated on existing structures as an accessory use (see Article XI. Telecommunications towers and facilities)
- (17) Warehouses and storage

(c) Uses that may be allowed by conditional use permit:

- (1) Business incubator
- (2) Cluster commercial development
- (3) Hotels and motels intended to serve visitors to businesses in the development
- (4) Radio and television broadcasting stations, studios, or offices
- (5) Single uses that occupy more than fifty (50) percent of the gross square footage of all buildings in the development
- (6) Trade expositions
- (7) Trade or business school
- (8) Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Article XI of this ordinance

(d) Requirements for permitted and conditional uses.

Before a building permit is issued or construction commenced on any use in a flexible space development, a site plan, in sufficient detail to show the operations and processes, shall be submitted and approved by the city planner and the technical review committee (TRC).

35.1-43.17. Development standards for flexible space developments.

(a) Area regulations.

The minimum lot area in flexible space developments shall be twenty thousand (20,000) square feet.

(b) Setbacks, frontage, and yard requirements.

- (1) The minimum front building setback shall be twenty (20) feet for lots abutting a public street. This setback shall be measured from the right-of-way line shared by the lot and the public street. This provision shall not be applicable to limited access highways.
- (2) When a flexible space development abuts a residential district, the minimum setback shall be one hundred (100) feet.
- (3) Frontage: the minimum lot width shall be one hundred (100) feet.
- (4) Side yard: fifteen (15) feet.
- (5) Rear yard: fifteen (15) feet.
- (6) Minimum separation between buildings on the same lot, when not separated by an interior roadway: thirty (30) feet.

(c) Bulk and lot coverage.

The maximum area permitted to be covered by buildings, structures, parking, and paved areas is seventy-five percent (75%).

(d) Utilities.

- (1) Utilities shall be located underground.
- (2) Rooftop mechanical equipment shall be located or screened so that it is not visible from the street.
- (3) Transformers, utility meters, junction boxes, conduits, and connections shall be enclosed or screened from view.
- (4) HVAC equipment mounted on the ground shall be screened so that it is not visible from the street.
- (5) Dumpsters shall not be located in prominent locations and shall be screened from view with opaque fences, walls, or evergreen plantings.

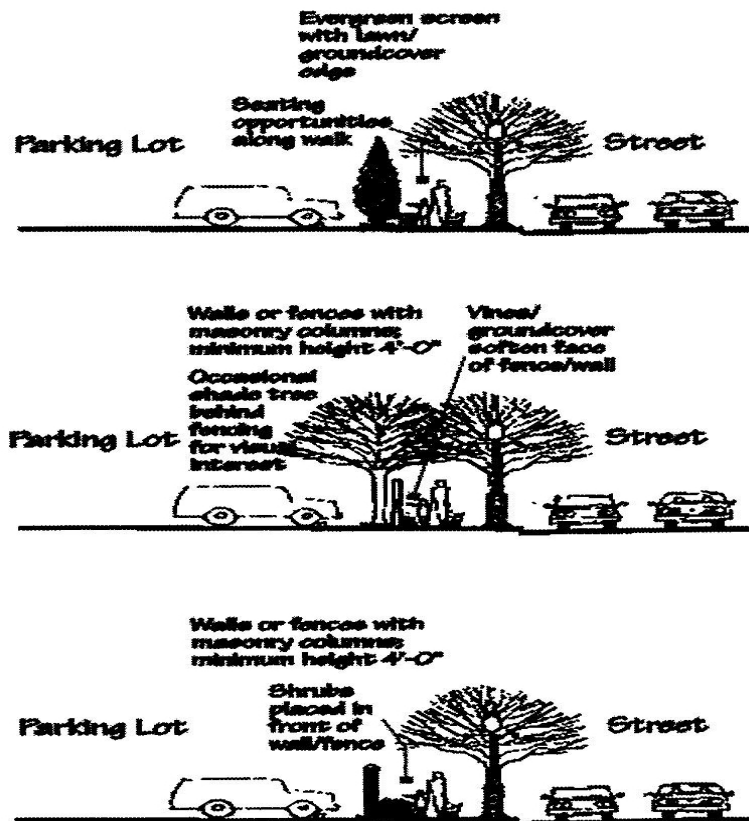
(e) Traffic and pedestrian circulation.

- (1) Separate entrances to and separate roadways within the flexible space development shall be provided for trucks and automobiles, unless, in the opinion of the city traffic engineer, the number and size of trucks expected to serve the uses in the development can be accommodated safely on the road network used by automobiles. Separate entrances shall be clearly marked.
- (2) Each occupant of a flexible space development shall have access only onto interior roadways.
- (3) The development shall be laid out so that individual buildings have access onto interior streets. Individual buildings or occupants shall not be provided with separate access points onto exterior roadways. Entrance(s) to the development shall serve all occupants and visitors.
- (4) The interior road circulation network shall be laid out to discourage cut-through traffic from adjacent developments or residential areas.
- (5) Pedestrian and/or bicycle routes, lanes, or paths shall be provided within the development to accommodate pedestrian and/or bicycle traffic between transit stops, parking areas, and buildings. Street design shall provide for the safety of pedestrians and bicyclists by clearly marking routes with striping and/or delineating them through the use of contrasting materials (e.g., bricks or pavers).
- (6) Where a flexible space development abuts a street with transit service past the development, the development shall include a bus stop with shelter, unless the general manager of the Greater Lynchburg Transit Company, or its successor company, determines that a bus stop is not appropriate.
- (7) The number of curbcuts onto interior roadways that serve as entrances to parking lots shall be limited to no more than two (2) per parking lot.

(f) Parking and loading requirements.

- (1) Parking spaces shall be provided as required in Section 35.1-25 of the zoning ordinance.
- (2) Handicapped and visitor/client/customer parking may be provided near the front entrance(s) of buildings. All other parking (i.e., employees, service personnel) shall be located at the side or the rear of the buildings.
- (3) Parking shall be shared among occupants to the maximum extent feasible.
- (4) To ensure adequate space when a vegetative buffer is required, no paving or parking facilities shall be located within twenty-five (25) feet of any residential district.

(5) Views of parking lots from streets shall be screened with hedges, low walls, or landscaped berms, as illustrated below (Symptoetica):



6. Truck loading areas or docks shall be located on the side of the building away from public view or screened with landscaping, opaque fences, walls, or doors.

(g) Signs

As permitted in the underlying district(s).

(h) Exterior lighting.

Exterior lighting shall be controlled or glare-shielded so that no direct illumination will occur beyond any property line.

(i) Landscaping.

(1) Landscaping in a flexible space development is intended to enhance the appearance of the development, to make it attractive to potential occupants, to provide an attractive environment for employees and business owners, and to screen the development from any adjacent residential development(s).

(2) Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale and image along and within the flexible space development. Any healthy existing tree may included for credit toward the street tree, parking lot, and side or rear yard landscaping requirements, provided that the intended effect of those landscaping requirements is maintained.

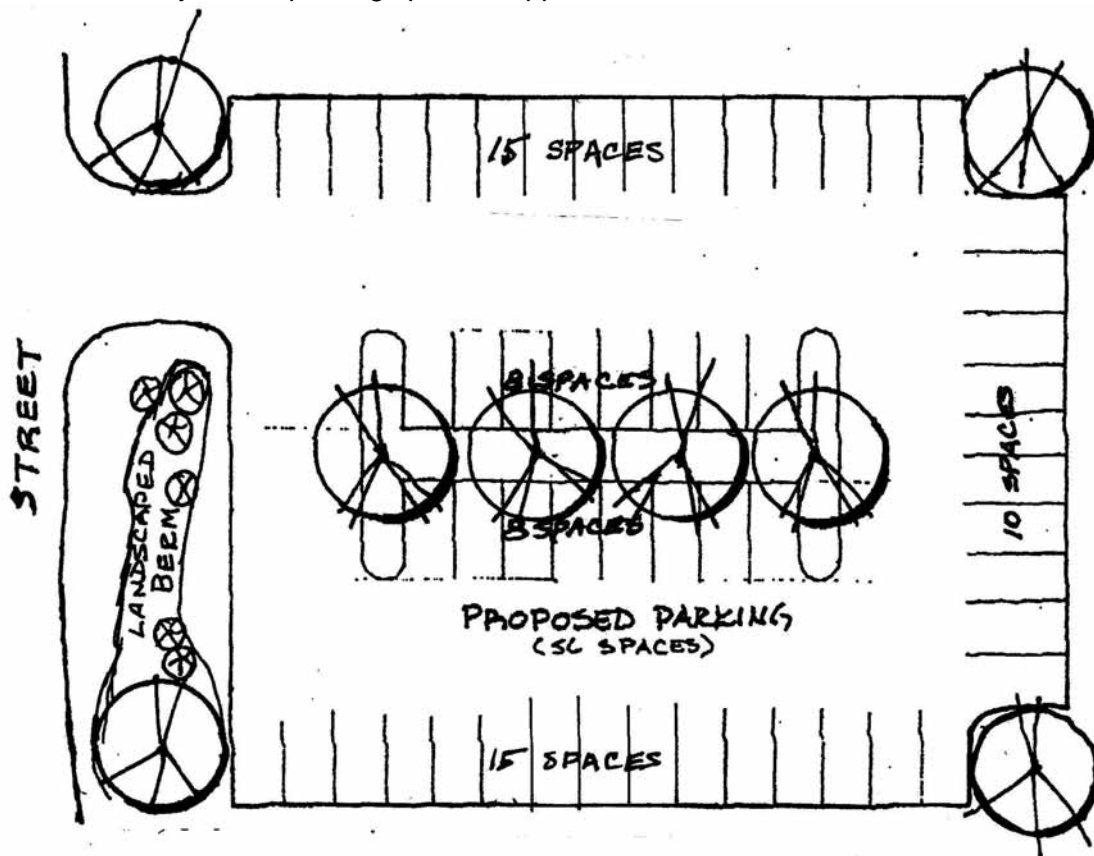
(3) Participation in the city's street tree program is required for property abutting exterior streets. Participation will be according to the master street tree plan for the street frontage(s) or, if there is no plan for the specific area to be developed, street trees are required along all interior and exterior roadways, planted forty (40) feet on center.

(4) Landscaping in the front building setback shall be designed to enhance the appearance of the development and shall include shade trees as described in the master street tree plan. Planting design shall be prepared in consultation with the city horticulturist.

(5) In all areas of the flexible space development that are adjacent to other developments and/or visible from a public street, the side and rear yard setbacks shall be landscaped with an evergreen vegetative buffer consisting of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree line shall be staggered ten (10) feet on-center. (In lieu of the baseline filler of medium height shrubs, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, be curvilinear in form, and provide a gentle tie-in with the existing grade. The minimum height of the berm shall be three (3) feet.) The evergreen tree material shall be at least six (6) feet in height at the time of planting. The evergreen shrubs shall be at least two (2) feet in height at the time of planting.

(6) Each flexible space development shall landscape an area equivalent to fifteen (15) percent of the total parking lot area. The landscaping material shall be at least four (4) feet in height at the time of planting and at least five (5) feet in width at maturity. The location of such landscaping shall be around the building perimeter and within the parking lot or in such locations as are approved by the city.

(7) Shade trees shall be provided in parking areas at a rate of at least one shade tree for every fifteen (15) spaces, with the ends of every row of parking spaces capped with a tree as illustrated below:



Parking lots adjacent to streets shall have a landscaped irregular-shaped berm along the parking lot frontage.

(8) Foundation plantings shall be provided to achieve the proper focus on the front of each building, to soften the bulk of the buildings, to mitigate the effect of paved surfaces, and to complement the building architecture. Foundation plantings shall meet the following:

- Plant material will meet American Association of Nurserymen (AAN) standards at the time of planting.
- Plant selection should consist of a combination of evergreen, deciduous, and perennial species. Combinations of deciduous and evergreen species should provide greater seasonal change and interest.

- Ad effective line planting consists of few species, in massed groupings, with a staggered placement.
- Placement of low shrubs in front of taller ones adds a stepped effect in line plantings.
- Minimum shrub size is a three-gallon container at the time of planting.
- One (1) square foot of planting area shall be provided per linear foot of building frontage on streets and parking areas. The planting area shall be a minimum of three (3) feet in width.

(9) Where a flexible space development abuts a limited access highway, the area of the development abutting the highway shall be landscaped according to the requirements of Sec. 35.1-43.3 (s) Building bulk softening effect, as follows:

[Section 35.1-43.3(s)--There shall be a building bulk softening effect created by landscaping between a structure and a limited access highway. Landscaping shall be at the outer boundaries and in the required yards and shall be provided except where driveways or other openings are required. Plantings shall be in an irregular (or "staggered") line. Clustering of plant and tree species shall be required. For the purpose of this section, the following definitions shall be applicable:

Large deciduous tree. A large deciduous tree shall be of a species having an average minimum mature crown spread of greater than thirty (30) feet. A minimum caliper of at least two and one-half (2-1/2) inches at the time of planting shall be required.

Small deciduous tree. A small deciduous tree shall be of a species having an average minimum mature crown spread of greater than twelve (12) feet. A minimum caliper of at least one and three-fourths (1-3/4) inches at the time of planting shall be required.

Evergreen trees. Evergreen trees shall have a minimum height of at least six (6) feet at the time of planting.

Medium shrubs. Shrubs and hedge forms shall have a minimum height of at least two (2) feet at the time of planting.

(1) For buildings twelve (12) feet or less in height (eave height).

(a) At least one small deciduous tree for each fifty (50) lineal feet and at least one evergreen tree for each thirty (30) lineal feet shall be planted.

(b) At least one medium shrub for each twenty (20) lineal feet shall be planted. (In lieu of the required shrubbery, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, be curvilinear in form, and provide a gentle tie-in with the existing grade. The minimum height shall be three (3) feet.)

(2) For buildings greater than twelve (12) feet in height (eave height).

(a) At least one large deciduous tree for each fifty (50) lineal feet and at least one evergreen tree for each thirty (30) lineal feet shall be planted.

(b) At least one small deciduous tree for each fifty (50) lineal feet shall be planted.

(c) At least one medium shrub for each twenty (20) lineal feet shall be planted. (In lieu of the required shrubbery, a landscaped earthen berm can be used. Generally, the earthen berm shall have a varying width and height, be curvilinear in form, and provide a gentle tie-in with the existing grade. The minimum height shall be three (3) feet.)]

(j) Building types and materials.

(1) Types of buildings located in a flexible space development include: flex-tech, multitenant, office, and showroom, with space for storage, distribution, and related uses. These buildings are to be laid out in a business park or campus-like setting.

(2) Individual buildings are to be designed so they can be converted to other uses and reused.

(3) The main entrance of buildings shall be oriented toward the interior roadways, except for those buildings that are sited between the main exterior street and an interior roadway. These buildings may be oriented toward the exterior street. For buildings oriented toward an exterior street, the rear of the building shall be designed to complement the facades of adjacent buildings. A second entrance to accommodate employees and visitors may be provided on the side of the building facing the interior street.

(4) No portion of a building constructed of unadorned cinderblock or corrugated and/or sheet metal shall be visible from any exterior or interior roadway or from any adjacent residential or commercial development. Buildings shall be designed to use to the greatest extent feasible building materials which are compatible with a business park or campus type of development, such as rock, stone, brick, and/or wood.

(5) No outdoor storage or processing shall be permitted in a flexible space development.

(k) Erosion and sediment control.

All flexible space developments shall comply with the requirements given in chapter 16.1, of the city code.

(l) Stormwater management.

All flexible space developments shall comply with the requirements given in chapter 16.2 of the city code.

35.1-43.18. Flexible space development application and review.

(a) Preapplication conference. For any flexible space development greater than ten (10) acres or any development proposed to be built in phases, a preapplication conference is strongly recommended. This conference will be in the form of a meeting between the developer or his authorized agent and the staff of the planning division to discuss the proposed flexible space development. At the preapplication conference, the developer or his representative will be asked to provide information about:

(1) The location of the various proposed uses, the types of buildings proposed to house them, and the acreage involved.

(2) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.

(3) The general layout of buildings, parking lots, and loading areas, including the proposed circulation systems for automobiles, trucks, bicycles, and pedestrians.

(4) The overall drainage system, including stormwater management.

(5) The proposed landscaping plan.

(6) The proposed signage system.

(7) The principal ties to the community at large with respect to transportation, water supply, and sewage service.

(8) A general description of any amenities, including accessory uses, to be provided as part of the development.

(b) Site plan review.

The developer of a flexible space development shall follow the procedures outlined in Sec. 35.1-14, Site plan review.

35.1-43.19. Flexible space development site plans.

Prior to securing a building permit for any construction in a flexible space development, approval of a preliminary and final site plan shall be obtained. The site plan shall conform to the master plan approved for the flexible space development, if any, and may be submitted for the entire site or a portion of the site if the development is to be phased. Procedures for review shall be the same as those outlined in Sec. 35.1-14 of the zoning ordinance.

35.1-43.20. Flexible space development changes and appeals.

The procedures of Sec. 35.1-42.8 of the zoning ordinance shall be followed if changes to the flexible space development master plan are requested or if the applicant wishes to appeal any decision of the city planner or the technical review committee.

35.1-43.21. Severability.

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the ordinance or of any part thereof other than the provision declared to be invalid and all of the other provisions of the ordinance shall remain in full force and effect.

3. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: July 28, 2004
Re: **ZONING ORDINANCE: FLEXIBLE SPACE DEVELOPMENT AMENDMENT**

I. PETITIONER

City of Lynchburg Department of Community Planning and Development, City Hall, 900 Church Street/P.O. Box 60, Lynchburg, VA 24505

Representative: Tom Martin, City Planner, Department of Community Planning and Development, City Hall, 900 Church Street/P.O. Box 60, Lynchburg, VA 24505.

II. LOCATION

The proposed Flexible Space Development regulations will be applicable by right in all I-1, Restricted Industrial Districts and I-2, Limited Industrial Districts. It will be applicable subject to City Council approval of a Conditional Use Permit (CUP) in all B-5, General Business Districts.

III. PURPOSE

The purpose of this petition is to recommend adoption of the Flexible Space Development regulations as a part of the City's Zoning Ordinance.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends creating new zoning categories to accommodate new and existing businesses.
- Petition proposes an amendment to the City's Zoning Ordinance to permit development of mixed-use developments with types of businesses that were not contemplated at the time the City's Zoning Ordinance was adopted in 1978.

The Planning Division recommends approval of the amendment petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends updating the City's Zoning Ordinance because:

Many provisions of the ordinance are quite old, dating to the 1970s, and no longer address the types of development that are occurring today in the City. The lists of permitted uses, particularly in the business and industrial zones, are out-of-date since they address businesses and industries more prevalent at the beginning of the 20th Century than at the beginning of the 21st Century. (page 5.10)

The Comprehensive Plan suggests that the City allow a more fine-grained mix of uses in industrial areas. Chapter 4, Plan Framework, describes changes in the City's "Business/ Technology & Employment Areas":

As the region's economy has expanded and diversified—balancing a reliance on heavy industry and manufacturing with a mix of technology and service industries—demand for industrial buildings and sites has changed. Once concentrated along rail lines downtown and along the river, the City's industrial uses have migrated to more suburban locations along the US 29 Bypass and the Expressway. (page 4.22)

Chapter 4 continues:

The second driver of these locational shifts in industry [the first is proximity to infrastructure] relates to the evolution of manufacturing practices and the associated change in demand from

multi-story buildings to single-story, open span structures with on-site parking, truck loading facilities, and expansion potential. (page 4.22-4.23)

The need for changes to the City's Zoning Ordinance is stated in the Comprehensive Plan's goals, objectives, and strategies in Chapter 7. Economic Development & Redevelopment:

Goal 3. Implement appropriate City policies designed to maximize citywide economic development strategies. (page 7.8)

Objective 3.B. Incentives. Consider offering appropriate public incentives to achieve citywide economic development and redevelopment objectives.

4) Create new zoning categories to accommodate existing business expansions and the recruitment of new businesses in specific industries (e.g., emerging or "clean").

2. **Impact.** The City has received numerous requests from companies, real estate professionals, and the City's Office of Economic Development for zoning language that would permit office/showroom facilities, "flex tech" projects, and other mixed-use projects. Such businesses may need space for a showroom, office, warehousing, product assembly, and/or research and development (R & D). Groups of similar businesses may wish to cluster together to take advantage of related businesses, as well as other uses that may serve their employees, such as daycare, restaurants, copy shops, and others. At this time, there is no provision in the City's Zoning Ordinance that permits mixed uses of this type.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition to amend the City's Zoning Ordinance to permit and regulate Flexible Space Developments.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner

VII. ATTACHMENTS

1. Flexible Space Development Regulations Amendment

MINUTES FROM THE JULY 28, 2004 PLANNING COMMISSION MEETING

Consideration of amending Section 35.1-38, General Business Districts, Section 35.1-40, Light Industrial Districts, and Section 35.1-41, Heavy Industrial Districts of the Zoning Ordinance to allow "Flexible Use Space" when approved as a master development plan and development standards are met. Flexible Use Space is defined as developments containing manufacturing, office, technology and associated retail space.

Chair Dahlgren reminded the Commissioners that they could talk about this item at this time or they could postpone it until the next meeting for a work session. He said if the hearing was postponed until the August 11 meeting, the item would still be on the September 14 City Council meeting.

Ms Judith Wiegand, Sr. Planner, made a presentation on the Flexible Use Space Ordinance. She said this proposed Flexible Use Space ordinance would be an amendment to the City's Zoning Ordinance. She explained that this ordinance would increase the options available to property owners and developers in certain zoning districts. She added that over the past several years the City has experienced demand for new types of development – ones not contemplated when the current Zoning Ordinance was written in 1978. City Officials, developers, and commercial real estate agents have approached the Planning Department to request language in the Zoning Ordinance that would Permit mixed use developments in industrial and commercial district.

Ms. Wiegand said the FSD was based on the City's Traditional Neighborhood Development (TND) Ordinance, which permitted a mix of residential and commercial uses, with some institutional and civic uses. Similarly, she continued, the FSD would permit a mix of some industrial and commercial uses that would complement each other and be designed to minimize any conflicts. Uses may include, for example, office/showroom, flex-tech space, R&D, product assembly, warehousing, distribution, and others. She said the City's current Zoning Ordinance permitted only very limited combinations in some districts, but developers and business owners expressed a need for space for a showroom, an office, storage, and product assembly or similar combinations. She added that small businesses needed to be able to locate in a development where there was expansion room for a growing business.

Ms. Wiegand said the FSD ordinance was based on the City's TND ordinance, with additional ideas and language from other parts of the City's Zoning Ordinance as well as from ordinances from Albemarle, Arlington, Chesterfield, and Henrico Counties and the cities/towns of Hampton, Stephens City and Winchester Virginia. If adopted, this ordinance would increase the options available to property owners and developers in certain zoning districts and would allow a mix of uses in these developments not available under the current Zoning Ordinance.

Ms. Wiegand continued by explaining that the intent of this ordinance was to permit the by right uses in I-1, Restricted Industrial, and I-2, Light Industrial, districts. She noted that I-3, Heavy Industrial districts, would not be affected by this ordinance. She said the ordinance would also allow this type of mixed use industrial/commercial development in B-5, General Business Districts, with approval of a Conditional Use Permit by City Council. She said that a CUP would be required in B-5 districts to allow additional staff review of a proposed development and so both the Planning Commission and City Council would have the opportunity to consider and approve flexible space developments in B-5 districts.

Ms. Wiegand reviewed the proposed ordinance:

1. Minimum area: 5 acres. There is a provision for a smaller area, if the developer can demonstrate that he/she can meet the objectives of the ordinance on a smaller lot.
2. Permitted uses by right (page 7) list was developed from uses in I-1 and I-2 districts, and includes some (such as computers) that were not in the 1978 ordinance. Note that the first sentence includes "manufacturing, assembly...)
3. Permitted accessory uses (page 8): these are intended to be supportive of the by right uses. Also uses that businesses and their employees may find helpful. Note that retail is considered an accessory use—we are not encouraging strip shopping centers in these developments.

4. Uses by CUP (bottom of page 8): these are uses that the Planning Division staff would like to review in more detail and where we believe the Planning Commission and City Council are the appropriate bodies to decide if such a use should be a part of an FSD.
5. All utilities will be located underground and mechanical equipment shall be screened.
6. Traffic and pedestrian circulation is critical to the success of a Flexible Space Development. We are encouraging:
 - Separation of truck and automobile equipment [City traffic engineer]
 - One or two major entrances to the development—individual businesses will have access onto interior roadways. Avoids a series of curbcuts onto City streets.
 - Pedestrian orientation is important. Paths and /or sidewalks will be required from parking lots to buildings and between buildings. Enable employees to walk to some destinations, rather than get in their cars for everything.
 - Bicycle paths are encouraged.
 - Connection with transit, if available.
7. Shared parking is encouraged.
8. The view of parking lots from the streets will be screened.
9. Landscaping requirements will contribute to an attractive “business park” look for these developments, as well as make the developments more pedestrian-friendly by providing shade. Requirements include:
 - Preservation of existing trees
 - Buffering between the FSD and adjacent.
 - Parking lots shall be landscaped to provide shade and screening.
 - The provisions for landscaping next to limited access highways were taken from the Scenic Corridor Overlay District.
10. Building materials: requirements include:
 - A business park or campus-like setting
 - Buildings designed for reuse
 - Building orientation toward interior roadways, except where building is adjacent to a City street—may have two entrances.
 - No unadorned cinderblock or corrugated or sheet metal.
 - No outdoor storage or processing.
11. The application and review process is designed to speed by right developments through site plan review quickly. Master plans are encouraged.

Ms. Wiegand read the e-mail from Gary Case, who reviewed and commented on the proposed ordinance:

Mr. Norman Moon, President of Milton Realty, spoke in favor of the Flexible Use Space. He said over the years the Industrial Zoning had become antiquated since 1975, when it was last reviewed. He said there needed to be a zoning classification that was a little more finished than a typical Industrial use. He said this proposal was very workable. He stressed that the City needed to be flexible with the Flexible Zoning. He added that since this was new they do not know what they will encounter as they work with potential users.

Ms. Mary Jane Russell, Action Economic Director, spoke in favor of the Flexible Use Space. Ms. Russell said the two existing industrial parks within the City, Lynchburg Center for Industry and LynchPin Industrial Center both have road systems that were developed to carry a large number of cars with traffic signals at the intersections of the major roads that they are connected to. She said the Office of Economic Development is very much interested in the Flex Zoning. She said the LynchPin Industrial Park is zoned I1 and also I3, but they also have some residential zoning. She said they have been keeping an eye on this type of zoning just to see if the proposed zoning would apply to that section because they find that they have to have a large amount of flexibility. She said the most requests they get now is for 50,000 square foot buildings or for a space with flexible amounts of square feet.

Mr. Moon said with Industrial Parks, the traffic logistics are extremely well planned. He said there was a gray area of what was office use and what is industrial use. He said the office requirement was lowered to 7,200 square feet, which was nice. Said the zoning needed to have at least one amenity for the area such as a picnic area.

After discussion, Commissioner Flint made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

“That action on this proposal be tabled until a future meeting and that a work session be held at the Planning Commission meeting on August 11, 2004.”

| | | |
|--------------|--|---|
| AYES: | Bacon, Dahlgren, Echols, Flint, Hamilton, Pulliam, Worthington | 7 |
| NOES: | | 0 |
| ABSTENTIONS: | | 0 |

MINUTES FROM THE AUGUST 11, 2004 PLANNING COMMISSION WORK SESSION

Consideration of amending Section 35.1-38, General Business Districts, Section 35.1-40, Light Industrial Districts, and Section 35.1-41, Heavy Industrial Districts of the Zoning Ordinance to allow "Flexible Use Space" when approved as a master development plan and development standards are met. Flexible Use Space is defined as developments containing manufacturing, office, technology and associated retail space.

Mr. Martin explained that this was a work session and the Commission could conduct it however they chose. He suggested that they review the proposed "Flexible Use Space" amendment page-by-page and raise concerns or questions they might have.

Chair Dahlgren said he was concern that this proposed zoning was so broad that they might be providing an opening for developers to, by right, develop the property without ever coming to the City. He said if he understood the proposal correctly projects would only be reviewed by the TRC, and asked if a project would have to come before the Planning Commission and City Council for a CUP if the proposed site was in an area other than I-1 or I-2.

Mr. Martin said it would be permitted by right in an I-1 or I-2 area, and with a Conditional Use Permit in B-5. He added that the Flex Zoning would not be permitted anywhere else in the City.

Commissioner Hamilton asked if the Planning Division had met with other localities that had the same flex zoning and how this type of zoning worked for them.

Ms. Wiegand explained that they began the process using the City's Traditional Neighborhood Development plan. She said they contacted Stephens City, Virginia who is currently putting together their own Flex Zoning designation, as well as looking at several counties and a couple of cities, all in Virginia. She noted that all of the Flex Zoning plans were different and were aimed at different results.

Mr. Martin said the minimum acreage for the proposed Flex Zoning was five acres, which was relatively small. He noted that there were two items that needed to be struck from the proposal, which were:

Page 3 #5 – Floor Plate – delete entirely

Page 4 #13 – Wet Lands – delete entirely

Chair Dahlgren asked how and when Item 12 on Page 3 would be accomplished. Item 12 reads as follows:

"Isolated residential uses remaining in areas covered by these developments shall gradually be removed or relocated."

Mr. Martin said the City could not remove or relocate any resident. He said residential use in an Industrial District was non-conforming, and added that Items 1-12 were objectives and were not requirements. He noted that what they were stating was that the City would like for the residential uses to go away at some point. Mr. Martin said other than caretaker cottages no residential uses were permitted in Industrial Districts.

Ms. Mary Jane Russell, Acting Director of Economic Development, asked about the process for I-3 not being included in the Flex Zoning.

Mr. Martin said they wanted to preserve the I-3 land if a large manufacturer wanted to move to Lynchburg.

Commissioner Echols asked about leaving equipment/junk stored outside of the buildings.

Ms. Wiegand said there was no outside storage in these areas.

Mr. Martin said you could have outside storage in B-5 and I-2, but not in I-1 zoning.

Chair Dahlgren asked Ms. Russell for her opinion on this proposal.

Ms. Russell said overall the Flex Zoning looked great. She added that it was a good idea with the design criteria, interior roads and landscaping.

Chair Dahlgren said they needed to make Region 2000 aware of this information in order to promote the area.

Commissioner Flint asked Ms. Wiegand if the City should be looking at the I-3 areas to determine if the zoning should be changed to I-1 or I-2, or if parts of this proposed zoning should be applied to the I-3 zoning.

Ms. Wiegand said the City wanted to preserve the I-3 areas for heavier, larger industrial uses. However, she added, if there was a smaller parcel of I-3 land that might be appropriate for Flex Zoning, the City may choose to go ahead and rezone it so it would be ready if a developer had a client interested in it.

Chair Dahlgren said this was a good example of the City being proactive in looking at ways to build a business community within the boundaries. He added that he was in favor of the petition.

Mr. Martin said this was a give and take. He said more landscaping was required, but there was more flexibility with land; and smaller office floor plates were allowed.

The Work Session was closed. The Commission agreed that the petition would be voted on at the August 25, 2004 meeting.

MINUTES FROM THE AUGUST 25, 2004 PLANNING COMMISSION MEETING
These minutes have been reviewed, but not approved, by the Planning Commission

MINUTES FROM THE AUGUST 25 PLANNING COMMISSION MEETING.
These minutes have been reviewed by, but not approved by, the Planning Commission.

Consideration of amending Section 35.1-38, General Business Districts, Section 35.1-40, Light Industrial Districts, and Section 35.1-41, Heavy Industrial Districts of the Zoning Ordinance to allow "Flexible Use Space" when approved as a master development plan and development standards are met. Flexible Use Space is defined as developments containing manufacturing, office, technology, and associated retail space.

Ms. Judith Wiegand, Senior Planner told the Commissioners that two definitions noted at the work session on August 11, 2004 had been deleted from the plan, but no other changes had been made.

Chair Dahlgren commented that this was a fine, contemporary approach to zoning. He added that the plan illustrated the work of the Planning Staff and Planning Commission in an effort to attract and be of more benefit to businesses in the City of Lynchburg.

Commissioner Worthington asked what the word "encourage" in the Flex Plan meant, and asked if those statements were requirements.

Ms. Wiegand said the word "encourage" was used when the City wanted to very strongly push for an item, but not require it. She added that there might be times when it would not be appropriate, such as having separate entrances for trucks and cars.

The Planning Commission had already conducted the public hearing for this petition on July 28, 2004 and had a work session on this same item on August 11, 2004.

Commissioner Bacon made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

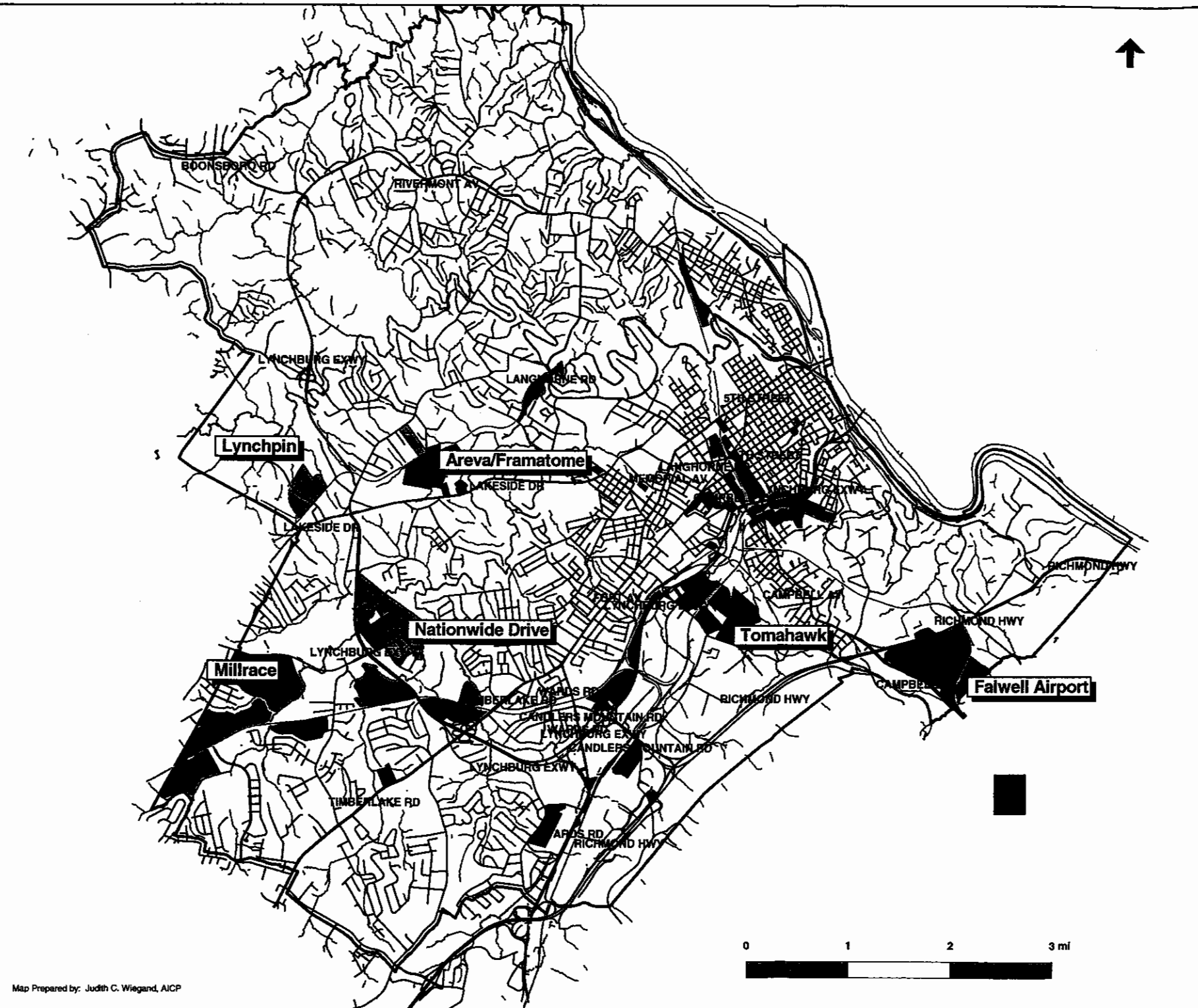
"The Planning Commission recommends to the City Council approval of the petition to amend the City's Zoning Ordinance to permit and regulate Flexible Space Developments."








| | | |
|--------------|---|---|
| AYES: | Bacon, Dahlgren, Echols, Flint, Worthington | 5 |
| NOES: | | 0 |
| ABSTENTIONS: | | 0 |

The City of Lynchburg
Community Planning and Development

**Location of Property
Zoned I-1 and I-2**

August 12, 2004



-  I-1 RESTRICTED INDUSTRIAL
-  I-2 LIGHT INDUSTRIAL
-  MAIN ROADS
-  STREETS
-  RAILROADS
-  RIVERS & STREAMS
-  CORPORATE LIMIT